

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DOROTHY STANLEY, as Executrix of the
ESTATE of HELEN RUNGE,

Plaintiff,

v.

WALTER J. KELLEY; KERRY L.
BLOOMINGDALE, M.D.; and
SUNBRIDGE NURSING AND
REHABILITATION CENTER,

Defendants.

Civil Action No. 05-10849-RGS

**DEFENDANT KELLY'S MOTION IN LIMINE TO EXCLUDE
THE FOLLOWING OUT OF COURT STATEMENTS OF HELEN RUNGE: 1)
DEPOSITION DATED 1/16/04; 2) AFFIDAVIT; 3) INTERROGATORY ANSWERS;
AND 4) WRITTEN STATEMENT AND TESTIMONY BASED ON THE ORAL
STATEMENTS OF HELEN RUNGE**

NOW COMES the Defendant Walter Kelly and moves this Honorable Court to exclude from trial the following out of court statement of Helen Runge: 1) deposition dated 1/16/04; 2) affidavit; 3) interrogatory answers; and 4) written statement. Defendant also seeks to exclude testimony based on the oral statements of Helen Runge.

WHEREFORE, this Court should preclude the Plaintiff from offering the out-of-court statements of Helen Runge into evidence as inadmissible under Rule 801 and 802 of the Federal Rules of Evidence.

Respectfully submitted,
The Defendant, Walter J. Kelly,
By his attorneys,

s/Michele Carlucci
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CERTIFICATE OF SERVICE

I, Michele Carlucci, certify that on June 13, 2008, I have served a copy of the foregoing by electronic filing.

/s/ Michele Carlucci
Michele Carlucci